IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRI.APPLICATION NO. 2714 OF 2006
(Ghanshyam H. Kenjar & anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders

Shri A.S. Manohar, Adv. for Applicants.
Shri Fulzele, A.P.P. for Respondent.

CORAM : R.C.CHAVAN, J.
DATED : AUGUST 23, 2006.

This application under Section 439 of the Code is filed by two applicants who have been denied bail by the learned Additional Sessions Judge, since, according to the learned Judge, the applicants' involvement in murder of one Vijay could be discerned from the evidence collected by the prosecution. Vijay was alleged to have been murdered by two applicants along with others on Railway Station Chandrapur after 11.00 p.m.

I have heard learned counsel for the applicants and learned A.P.P. for the State.

It seems that the incident in question was

witnessed by one Begum Safia, a social worker and her two friends Mankabai Madavi and Vatsalabai @ Vandana, who came to the Railway Station at about 11.00 p.m. because son and daughter-in-law of Begum Safia were to return from Hinganghat by train at midnight. They stated that they saw the incident of assault by two applicants and others on the victim. However, out of fear they did not say anything. Their statements were recorded on and after 12.04.2006 in respect of the incident took place on 28.02.2006. Considering the nature of evidence collected, the applicants being at large is unlikely to prejudice fair trial. The learned A.P.P. states that one of the applicants Suresh had been once prosecuted for the offence punishable under Section 324 of the Penal Code in the year 2003 and therefore, stated that possibility of his re-involvement in similar crime, if bailed out, cannot be ruled out.

The Police would obviously take care that

such incidents do not occur. Since he is stated to have been involved in a crime three years ago it does not follow that he will go on repeating the crime, after having been in jail since last four months.

In view of this, release of applicants on bail with sufficient safeguards would ensure fair trial.

Both the applicants be therefore, released on bail on furnishing their P.R. bond of Rs.Fifty Thousand each with one or more solvent sureties in the like sum, on the condition that both the applicants shall report at Police Station, Chandrapur, once in a week i.e. every Monday at about 10.30 a.m. till trial is over.

The applicants shall keep themselves away from all the prosecution witnesses, particularly three women witnesses.

Bail before the trial Court.

JUDGE.

RR.